

**REMARKS**

The Examiner is thanked for the continued examination of the application. However, in view of the foregoing amendments and the remarks that follow, the Examiner is respectfully requested to reconsider and withdraw the outstanding rejections. By the foregoing amendments, the subject matter of claims 2 and 3 has been incorporated into claim 1, and claims 2 and 3 have been canceled to avoid duplication. Claim 10 has been amended, as discussed in the remarks filed on December 2, 2003, in view of the informality rejection set forth in the Official Action of September 5, 2003. The claims have also been amended in several places to change "means" to "unit".

**Claim Objections:**

As set forth above, claim 10 has been amended as suggested by the Examiner.

**Art Rejections:**

Claims 1-4, 9 and 16-19 have been rejected under 35 U.S.C. §102(b) as being allegedly anticipated by U.S. Patent No. 5,113,520, hereinafter *Hirata*. *Hirata* discloses a data processor for processing input data. The processor includes a keyboard 10 that includes a plurality of character keys. The character keys include letter keys as well as function keys 12-19. The processor further includes a RAM 40 which includes a key buffer 41 in which key code data from the keyboard controller 20 are stored, as well as a printing data memory 45, which stores print data of plural text files. According to *Hirata*, the processing of key code data input from the keyboard and the printing of data stored in

the memory are alternately dispatched by a time slice method under the control of the CPU. See column 1, lines 12-18. Since the key code data must wait while processing is executed for printing, key code data are temporarily stored in the key buffer 41. See column 1, lines 19-22. According to the summary of the invention, a preference control unit 5 prefers the data processing of the input data in the data processing system 4 to the data delivery processing, when the input at the input device is busy. See column 1, lines 51-54.

*Hirata* further indicates that a print cancel key 19, when depressed, stops printing by the printing device. At the same time, the print data of the text is deleted from the print data memory 45. See column 4, lines 50-55.

Claim 1 defines an image forming apparatus comprising, among other elements, a first memory for storing image data and a second memory for storing image forming conditions. The apparatus further includes a command unit for generating a command of discarding the image data being printed from the image output unit and an image data discarding controller for discarding image data stored in the first memory when the command of discarding the image data is generated by the command unit, while maintaining the associated image forming conditions stored in the second memory. Thus, it is a feature of claim 1 that the image data is discarded from the first memory while the associated image forming conditions are maintained in the second memory.

Claim 1 has now been amended to include the subject matter of claims 2 and 3, which further defines the image forming processing apparatus as including an image input unit for inputting the image data to the first memory, and an output control unit for causing

the output unit to output image data newly input from the image input unit under the maintained image forming conditions. Thus, the image forming apparatus of claim 1 includes the ability to output image data newly input from the image input unit under the image forming conditions that are maintained in the second memory, even when the image data of the first memory is discarded.

In formulating the rejection of claim 1 based on *Hirata*, the Examiner alleges that the key buffer 41 corresponds to the claimed second memory for storing image forming conditions. In addition, with regard to the subject matter newly added to claim 1, the Examiner alleges that "*Hirata* discloses the image forming apparatus discussed above in claim 1, and further teaches of an output control means for causing the output unit to output image data newly input from the image input unit under the maintained image forming conditions (column 4, lines 37 through 57)." See page 4 of the Official Action concerning claim 3.

However, after a careful review of the *Hirata* reference, Applicants submit that column 4, lines 37-57, of *Hirata* has nothing to do with an output control unit for causing the output unit to output image data newly input from the image input unit under the maintained image forming conditions. Specifically, there is no teaching or suggestion in this portion of *Hirata* of how the *Hirata* device would process image data that is newly input from the image input unit, and more specifically, as to whether such newly input image data would be processed under any such maintained image forming conditions. Accordingly, Applicants submit that *Hirata* does not teach the combination of claim 1 that includes, among other elements, an output control unit for causing the output unit to output

image data newly input from the image input unit under the maintained image forming conditions.

In the event that the Examiner maintains the rejection of now amended claim 1 based on *Hirata*, the Examiner is respectfully requested to disclose, with specificity, where *Hirata* teaches the combination that includes an output control unit. In particular, the Examiner is respectfully requested to point out where *Hirata* may teach that any newly input image data would be processed under maintained image forming conditions. Absent such clarification, the Examiner is respectfully requested to withdraw the rejection.

Furthermore, as argued in the response filed on December 2, 2003, the key buffer 41 of *Hirata* records key strokes from the keyboard. As best as can be determined from the disclosure of *Hirata*, the key code data stored in the key buffer 41 are used for editing the text. See column 2, lines 30-33, and column 3, lines 56-66. The Examiner refers to column 2, lines 39-44 and 65-68, and column 3, lines 36-48. However, none of those sections relied upon by the Examiner indicates that the key buffer 41 is a memory for storing image forming conditions. As best as the disclosure can be understood, the key buffer 41 is used for holding key strokes that are used for editing the text between printing operations. There is no teaching or suggestion that the key buffer 41 is used to store image forming conditions.

Accordingly, in view of the foregoing amendments and remarks, the Examiner is respectfully requested to reconsider and withdraw the rejection of claim 1 based on *Hirata*. Claims 2 and 3 have been canceled, and claims 4 and 9 depend from claim 1, and are thus patentable over *Hirata* at least for the reasons set forth above with respect to claim 1.

With regard to claim 16, the Examiner's attention is directed to the fact that claim 16 defines an image forming method that includes, among other elements, the steps of "acquiring new image data and storing the new image data in the image memory" and "printing a new image on a paper, based on the newly acquired image data, under the image forming conditions maintained in the memory". Based on the arguments set forth above with respect to claim 1, Applicants further allege that the subject matter of claim 16 is not taught or suggested by *Hirata*, at least for the reasons set forth above with regard to claim 1.

Claims 17 and 18 depend from claim 16, and are thus also patentable over *Hirata* at least for the reasons set forth above with respect to claim 16.

With regard to claim 19, the Examiner's attention is directed to the fact that the image forming apparatus combination of claim 19 includes "an output control unit for causing the output unit to output image data newly input from the image input unit under the maintained image forming conditions". Accordingly, claim 19 is similarly patentable over *Hirata*, at least for the reasons set forth above with respect to claim 1.

Claims 6-8 and 10-15 have been rejected under 35 U.S.C. §103(a) as being unpatentable over *Hirata* in view of U.S. Patent No. 5,152,001, hereinafter *Hanamoto*.

Claims 6-8 depend from claim 1. The Examiner appears to be relying on *Hanamoto* for an alleged teaching that the image input unit is an image reader for reading the image from the original and acquiring the image data, wherein the image output unit and the image reader operate independently. However, *Hanamoto* does not overcome the

deficiency of the rejection of claim 1, based on *Hanamoto*. Accordingly, claims 6-8 are also patentable over the combination of *Hirata* and *Hanamoto*.

Claim 10 defines an image forming apparatus that includes, among other elements, a print control unit for causing the printer to print another image data newly read by the image reader under the maintained image forming conditions in the mode memory".

Accordingly, claim 10 is also patentable over *Hirata* and *Hanamoto* at least for the reasons set forth above with respect to claim 1.

Claims 11-15 depend from claim 10, and are thus also patentable over the applied prior art at least for the reasons set forth above with respect to claim 10.

Furthermore, Applicants reserve the right to challenge the Examiner's analysis of *Hanamoto*, and/or the motivation for combining *Hirata* with *Hanamoto*, at a later time, if appropriate and necessary.

Accordingly, in view of the foregoing amendments and remarks, the Examiner is respectfully requested to enter the foregoing amendments and to reconsider and withdraw the outstanding rejections.

Attorney's Docket No. 032567-002

Application No. 09/238,163

Page 15

In the event that there are any questions concerning this response, or the application in general, the Examiner is respectfully urged to telephone the undersigned attorney so that prosecution of the application may be expedited.

Respectfully submitted,

BURNS, DOANE, SWECKER & MATHIS, L.L.P.

Date: March 5, 2004

By:



William C. Rowland

Registration No. 30,888

P.O. Box 1404  
Alexandria, Virginia 22313-1404  
(703) 836-6620